

REMARKS

In the Final Office Action,¹ the Examiner objected to the Information Disclosure Statement filed June 14, 2007, rejected claims 1-3 under 35 U.S.C. § 112, first and second paragraphs, and rejected claims 4-7 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0019844 to *Kurowski*.

By this response, Applicants have amended claim 4. Claims 1-7 remain pending.

IDS

In response to the Examiner's objection regarding the June 14, 2007 IDS, Applicants have submitted a new PTO/SB/08 in compliance with 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609. Applicants respectfully request the Examiner to consider the documents cited in the new IDS and indicate such consideration by initialing the form PTO/SB/08.

35 U.S.C. § 112

The Examiner rejected claims 1-3 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Specifically, the Examiner stated that the original disclosure "omits certain information necessary to carry out the claimed invention: (1) the definition of an inferior or superior computer, (2) the relevant configurations of each of the inferior or superior computers, and (3) the necessary steps to configure a computer as an inferior computer. Accordingly, one of ordinary skill in the art would not have been able to practice the claimed invention without undue experimentation."

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Applicants traverse the rejection of claims 1-3 under 35 U.S.C. § 112, first paragraph. In order to meet the burden of showing that the specification fails to teach how to make and use the claimed invention without undue experimentation, the Examiner must make “specific findings of fact, supported by the evidence, and then draw[] conclusions based on these findings of fact.” See M.P.E.P. § 2164.04. Eight undue experimentation factors are given in M.P.E.P. § 2164.01(a), but the Examiner has addressed none of the factors, nor the totality of evidence, to show that any necessary experimentation is “undue.” Nor has the Examiner made specific observations as required under M.P.E.P. § 2164.06(c) to “challenge the sufficiency of [the] disclosure[] [as] fail[ing] to include either the computer program itself or a reasonably detailed flowchart which delineates the sequence of operations the program must perform.” In other words, although “specific technical reasons are always required,” the Examiner has not established that there is sufficient reason to doubt the enablement provided by the “teaching of the manner and process of making and using an invention.” M.P.E.P. § 2164.04. Therefore, the Examiner has not established a reasonable basis, nor presented evidence, to question the adequacy of the disclosure, and the rejection should be withdrawn.

In addition, the original disclosure adequately defines inferior and superior computers as hierarchically inferior or superior, and adequately shows examples of “configurations” of each of the inferior and superior computers. The original disclosure provides alternative examples of how to “configure a computer as an inferior or superior computer.” Below are exemplary excerpts from the specification to explain or otherwise

point to enabling disclosure, though other portions of the disclosure may also provide enabling support.

For example, Figure 1 shows an example of a grid computing environment where “directional relations . . . classify one grid manager as superior to another grid manager.” Specification, page 5, lines 16-17. Through the use of “hierarchical relations,” “lists,” and “grid managers,” an “IPC manager” 118 can “dynamically inform services in the grid computing environment 100 to allocate more resources for IPC servers 120, 122, 124, and 126 or deallocate resources to keep utilization of resources in the grid computing environment 100 at a desired level.” Specification, page 3, line 29-page 5, line 30, *primarily quoting* page 5, lines 7-14. The IPC manager sends “requirements for computational resources to query a grid manager,” and the grid manager in turn “matches” the “requirements” against “resources known to grid manager.” Specification, page 6, lines 18-31.

The grid manager is able to perform its “matching” through the use of “directional relations,” “communication channels” and a “first list of all superior relations . . . and a second list of all inferior relations.” Specification, page 5, line 15-Page 6, line 8. An example of a “directional relation” is shown in Figure 2, where IPC manager 118, with a “superior relation,” “sends” requirements to grid manager 154, which has an “inferior relation” with respect to the IPC manager. Specification, page 6, lines 18-25. Another example of a “directional relation” shows grid manager 154, with a “superior relation,” “sending” a query to grid managers 160 and 162, which both have an “inferior relation” with respect to the grid manager 154. Specification, page 7, lines 1-2. The “directional relation” is established and recorded in dynamic “lists,” and the “communication

channels” transmit the queries or requirements in a given direction (from one part of the grid computing environment 100 to another) based upon the established “directional relations.” Specification, page 3, line 29-page 7, line 19. At least another example of “superior” and “inferior” relations can be found at page 11, lines 4-25.

Furthermore, pages 11-13 discuss alternative examples for “configuring” elements of the grid computing environment 100, including examples of how to “configure a computer as an inferior or superior computer.” An “API,” “Java classes,” or “grid graphical user interface” can be used to configure the grid computing environment 100. *Id.* In addition, the grid computing environment 100 also uses and incorporates by reference “Open Grid Services Infrastructure (OGSI) Version 1.0” by Tuecke, *et al.* Specification, page 4, lines 28-31, page 5, line 4-6 and 30-31.

The Examiner also rejected claims 1-3 under 35 U.S.C. § 112, second paragraph as being indefinite. The examiner stated that “the terms ‘inferior’ and ‘superior’ are not clearly defined in the original disclosure.” Final Office Action, page 4. However, as set forth above, the terms are sufficiently described in the original disclosure so as to make the language of claims 1-3 definite and in compliance with 35 U.S.C. § 112, second paragraph.

For at least the above reasons, the Examiner’s rejections under 35 U.S.C. § 112, first and second paragraphs are improper and should be withdrawn. Applicants request examination on the merits of claims 1-3.

35 U.S.C. § 102

Applicants respectfully traverse the rejection of claims 4-7 under 35 U.S.C. § 102(b) as being anticipated by *Kurowski*. In order to properly establish that

Kurowski anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim."

See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended claim 4 defines a combination of features including, for example, a "first grid manager," a "second grid manager," and a "third grid manager" arranged to "communicate" in a "network" such that "a third grid manager . . . communicat[es] only with the first grid manager, the second grid manager, and a second set of the plurality of computers," as claimed. The Examiner alleges that *Kurowski* discloses "a first computer" and "a second computer." Office action, page 5. However, this does not anticipate claim 4.

The Examiner has not pointed to any element in *Kurowski* which could constitute any of the claimed "grid managers." More particularly, *Kurowski* does not include at least a "a third grid manager for communicating only with the first grid manager, the second grid manager, and a second set of the plurality of computers," as recited in claim 4. Instead, *Kurowski* teaches several servers and several clients configured so that the several servers communicate with one another. Figure 2. The configuration of Figure 2 of *Kurowski* differs from both the language of claim 4 and the exemplary embodiments of Applicant's Figures 1, 5A, and 7. Since none of the several servers of *Kurowski* "communicate" as claimed, *Kurowski* cannot anticipate claim 4.

Because *Kurowski* does not teach or suggest each and every element recited by amended claim 4, *Kurowski* cannot anticipate this claim. Claim 4 is allowable over the art of record. Claims 5-7 are also allowable at least due to their dependence from claim 4. Applicants respectfully request that the Examiner withdraw the rejection of claims 4-7 under 35 U.S.C. § 102(b).

CONCLUSION

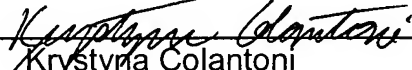
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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